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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: JUUL LABS, INC. ANTITRUST  
LITIGATION

Master File No.  
3:20-cv-02345-WHO

**STATUS REPORT**

This Document Relates To:

JUDGE: William H. Orrick  
CTRM: 2

**All Actions**

**STATUS REPORT**

Pursuant to the Stipulation and Order dated August 18, 2022 (ECF 330), the undersigned parties hereby submit the following status report concerning developments in the action before the Federal Trade Commission titled *Matter of Altria Group, Inc. and JUUL Labs, Inc.*, Docket No. 9393 (the “FTC Action”):

On April 5, 2022, FTC Complaint Counsel filed its opening appeal brief.<sup>1</sup> On May 18, 2022, Respondents JUUL Labs, Inc. and Altria Group, Inc. filed their answering brief. On June 2, 2022, Complaint Counsel filed its reply.

<sup>1</sup> Copies of all referenced materials are made available at <https://www.ftc.gov/legal-library/browse/cases-proceedings/191-0075-altria-groupjuul-labs-matter> (visited June 26, 2023).

1 On September 6, 2022, Complaint Counsel and Respondents, respectively, submitted  
2 compilations of materials for use at oral argument. On September 12, 2022 (after the grant of an  
3 extension requested by Respondents' counsel), oral argument was held.

4 On November 3, 2022, the Commission entered an order requesting further briefing from  
5 the parties on "the potential applicability of the *per se* rule and the inherently suspect standard to  
6 an alleged unlawful agreement between Respondents Altria Group, Inc. ('Altria') and JUUL Labs,  
7 Inc. ('JLI') for Altria to withdraw its e-cigarette products from the market." *Id.* at 2.

8 The November 3, 2022 order required that each side file briefs addressing those issues on  
9 or before December 5, 2022 and reply briefs on or before December 20, 2022.

10 The parties filed their briefs on the dates ordered.

11 Per the Commission's November 3, 2022 Order, the Commission's deadline for issuing a  
12 decision in the proceeding was March 30, 2023, 100 days after the reply briefs were due.

13 On March 6, 2023, Respondents filed a Motion to Take Official Notice and to Dismiss the  
14 Litigation as Moot, or in the Alternative, to Stay the Litigation. On March 21, 2023, Respondents  
15 filed a Motion to Withdraw Matter from Adjudication to Discuss Settlement. Complaint Counsel  
16 opposed these motions.

17 On March 30, 2023, the Commission extended its deadline to issue a final decision in the  
18 matter to May 5, 2023, in order to consider the matters raised by Respondents' motions, and at the  
19 same time denied Respondents' alternative request for a stay.

20 On May 4, 2023, the Commission ordered that the matter be withdrawn from adjudication  
21 until June 19, 2023.

22 On June 20, 2023, the Commission extended its withdrawal of the matter from  
23 adjudication through June 30, 2023.

24 Accordingly, the stay entered herein in the August 18, 2022 Order should be continued, and  
25 the parties request to submit an updated status report to this Court on or before July 30, 2023.

1 Dated: June 30, 2023

Respectfully submitted,

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